

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JORGE GEVARA, et al.,)	
)	
Plaintiff,)	
)	
v.)	1:09CV978
)	
BOYD BENNETT, et al.,)	
)	
Defendant(s).)	

JORGE GEVARA, et al.,)	
)	
Plaintiff,)	
)	
v.)	1:09CV982
)	
BOYD BENNETT, et al.,)	
)	
Defendant(s).)	

DERRICK D. BOGER,)	
)	
Plaintiff,)	
)	
v.)	1:09CV984
)	
BOYD BENNETT, et al.,)	
)	
Defendant(s).)	

MONTAVIUS A. JOHNSON-EL,)	
)	
Plaintiff,)	
)	
v.)	1:09CV985
)	
BOYD BENNETT, et al.,)	
)	
Defendant(s).)	

STEVEN A. ENBRON,)	
)	
Plaintiff,)	
)	
v.)	1:09CV986
)	
BOYD BENNETT, et al.,)	
)	
Defendant(s).)	

ROBERT D. JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	1:09CV987
)	
BOYD BENNETT, et al.,)	
)	
Defendant(s).)	

ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Plaintiffs, five prisoners of the State of North Carolina, have submitted several civil rights actions pursuant to 42 U.S.C. § 1983. Two purport to be class actions listing all five Plaintiffs, while the other cases are individual complaints filed by four of the Plaintiffs.

None of the Plaintiffs have paid the filing fee, while only one, Jorge Gevara, has submitted an application to proceed *in forma pauperis*. The Court will now review the complaints for defects. Because all of the complaints deal with the same or similar facts and are, at least in many respects, nearly identical, they can all be dealt with in one recommendation.

Unfortunately for Plaintiffs, none of their complaints is appropriately filed in this District. There are a number of problems with the complaints, including the fact that actions with multiple pro se prisoners proceeding *in forma pauperis* are not usually workable. *See Hubbard v. Haley*, 262 F.3d 1194 (11th Cir.2001)(discussing fee collection problems created by multiple pro se plaintiffs). Also, only Plaintiff Gevara has even submitted an *in forma pauperis* application. However, the fatal flaw for Plaintiffs is that all of their allegations pertain to alleged occurrences at Lanesboro Correctional Institution, where they are currently housed. That prison is located in the Anson County town of Polkton, North Carolina. Anson County is not located in this District, but is instead a part of the Western District of North Carolina. All of the listed defendants in all of the cases have addresses in either Polkton or Raleigh, which is located in the Eastern District of North Carolina. This means that none of the parties are located in this District and that none of the events underlying the suits occurred here. For that reason, the suits cannot be properly filed in this District. These particular complaints should be dismissed, but without prejudice to Plaintiffs filing new complaints, on the proper § 1983 forms, and in a proper district. Plaintiffs should seek the correct forms from the clerk of either the Eastern or, more likely, the Western District of North Carolina and file their complaints there. The addresses are: Eastern District of North

Carolina--310 New Bern Avenue, Room174, Raleigh, NC 27601; Western District of North Carolina--Room 212, Charles R. Jonas Federal Building, 401 West Trade Street, Charlotte, NC 28202.

This recommendation of dismissal also moots any pending motions in the cases. Those motions will be denied without prejudice.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order.

IT IS FURTHER ORDERED that all pending motions filed by Plaintiffs are denied without prejudice for being moot.

IT IS RECOMMENDED that this action be filed and dismissed *sua sponte* without prejudice to Plaintiffs filing new complaints, on the proper § 1983 forms, in a proper district.

/s/ L. Patrick Auld
L. Patrick Auld
United States Magistrate Judge

December 29, 2009